

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

DWAIN JOHN BRICE,

Petitioner,

v.

CASE NO. 4:08-cv-353-SPM-AK

MICHAEL B. MUKASEY, et al.,

Respondents.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the court on the magistrate judge's Report and Recommendation (doc. 7). Petitioner has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). To date, no objections have been filed. This is likely because Petitioner appears to have received the relief requested in his § 2241 petition. Therefore, there is no longer a case or controversy for this Court to resolve.

Accordingly, it is hereby ORDERED AND ADJUDGED:

1. The Magistrate Judge's Report and Recommendation (doc. 7) is ADOPTED and incorporated by reference in this order.
2. Defendant's § 2241 petition is ***dismissed as moot***.

DONE AND ORDERED this twenty-sixth day of February, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge